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**REQUEST FOR WAIVER OF COMMISSION RULES**  
**EXPEDITED ACTION REQUESTED**

## Lancaster County, Pennsylvania

## **I. INTRODUCTION**

Lancaster County-Wide Communications ("the County"), pursuant to Section 1.925 of the Commission's rules and *Public Notice*, DA 11-1189 (released July 13, 2011), hereby requests that the Commission waive Section 90.209(b)(5) of its rules to allow additional time for licensees participating in a new county-wide public safety communications network to operate on channels with a bandwidth of 25 kHz through December 31, 2013.

Lancaster County is currently deploying a new UHF T-Band, P-25 trunked radio system that will be fully compliant with the Commission's narrowbanding rules. The new county-wide radio system will be operated and managed by Lancaster County-Wide Communications. For the reasons discussed below, this new system will not be completed prior to January 1, 2013. Therefore, rather than narrowband the existing legacy system, the County requests a waiver to extend its deadline by one year, to December 31, 2013, at which point provide the new system will be complete. There are 44 public safety agencies with over 1500 public safety radio users currently using the call signs associated with narrowbanding.

In early 2005, Lancaster County completed construction of an 800 MHz trunked radio system intended to provide communications for public safety agencies countywide. Following completion of the system construction, Lancaster County began an extensive system optimization and testing period. By the middle of 2008, Lancaster County found that the installed system was not going to meet its requirements for public safety users and terminated its agreement with the radio system manufacturer.

Lancaster County began the procurement of a new UHF T-band radio system. As part of the process, Lancaster County filed three applications with a waiver request for the desired T-band spectrum in June of 2008. The licenses were approved on February 12, 2011 under docket number DA 11-245.

The County is currently reviewing RFP responses for the new T-band radio system. The current RFP process will conclude in the second quarter of 2012, at which point the County will move forward with the implementation of a new system. Lancaster County has 31 fully developed sites for use in a new radio system, which translates to a minimal amount of site civil work. As a result, Lancaster County projects a much shorter implementation timeframe than a solution utilizing various "green field" sites, and fully expects to the new system to be completed by the fourth calendar year quarter (CY Q4) of 2013. An implementation schedule for the proposed P25 UHF T-band radio system can be found in Appendix C.

Lancaster County is fully committed, engaged and funded with regards to replacement of its aging public safety communications systems. The current call signs included in this request are seen as a valuable asset for the present communications needs of the County and, therefore, their preservation is seen as essential.

Section 1.925(b)(3) of the Commission's rules allows it to grant a waiver if it is shown that either: "(i) the underlying purpose of the rules(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest;" or "(ii) in view of unique or unusual factual circumstances of the instant case, application of the rules(s) would

be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.” The Commission’s *Public Notice*, DA 11-1189 (released July 13, 2011), provides guidance for satisfying the requirements of Section 1.925 in the context of a waiver of the narrowbanding deadline. For the reasons discussed herein, the County believes that a waiver is warranted pursuant to that guidance. As explained herein, granting of Lancaster County’s request on behalf of the public safety licenses would serve policy objectives of the Commission, particularly the deployment of spectrum to meet public safety needs.

A requirement that the County narrowband its existing system would needlessly tie-up resources that could be otherwise applied towards the implementation of the new P25 radio system. It would be contrary to the public interest for Lancaster County to expend the time and money necessary to narrowband legacy radio equipment, with that equipment due for decommissioning a year later. Allowing entities in Lancaster County to continue wideband operations during the implementation of the new radio system would provide the most effective means to provide efficient communications in the public interest at that time.

The County of Lancaster, Pennsylvania, and its member public safety agencies respectfully request that the Commission grant a waiver of the requirement to attain an efficiency standard of 12.5 kHz through the narrowbanding for the existing 21 VHF and UHF radio authorizations identified in Appendix B. The duration of this waiver is to the end date of the Extended Implementation Schedule, December 31, 2013, for the licenses associated with the new system. That will permit an orderly transfer of the traffic load

from those VHF and UHF stations to the new UHF T-Band radio facilities. As the traffic is transferred, the radio authorizations for the underlying VHF, UHF channel-frequencies vacated will be cancelled through the appropriate FCC filings. Implementation project management of the new UHF T-Band system will include tracking the prompt cancellation of vacated VHF and UHF channel-frequencies. The new interoperable P25 UHF T-Band radio system will have the capability of efficiently accommodating future expansion on the NPSPAC channels. The County of Lancaster is aware of the high hurdle applied to a waiver of the Commission's rules and the requirement to clearly articulate the detailed considerations in Section 1.925 of the Commission's rules.<sup>1</sup> We believe that this request complies with the submission details of the waiver process in that:

1. The underlying purpose of the narrowbanding rule would not be frustrated by waiver of this case. The waiver request does not extend the date for reduction of bandwidth to a lengthy or indefinite date, but asks to extend the requirement for a finite period of time to permit the establishment of a new interoperable countywide network. The basis for narrowband is to make additional spectrum available in the VHF and UHF band. This goal will be accomplished when the county public safety agencies move to the new system and completely cancel all UHF and VHF licenses that are no longer required.
2. The grant of the waiver will be in the public interest. The cost of narrowbanding is an expense that competes with the need for an improved, interoperable communications network at a time when the economy shortage of tax dollars limits

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<sup>1</sup> 47 C.F.R. § 1.925.

the expansion of funding sources.

3. Unique and unusual factual circumstances indicate the application of the rule would be unduly burdensome to the County and contrary to the Public Good. The County had hoped that the new multi-agency interoperable system would be in operation prior to the January 1, 2013 narrowband transition date. As with many large, complex systems, the timing was delayed. To this is added the economic downturn, which has constrained state, county, and local governments from committing to large projects. The County has dedicated funding for the implementation and operation of the new system.

Grant of the waiver as described above for each of the 21 VHF and UHF radio authorizations (listed in Appendix B) would therefore be in the public interest.

Respectfully Submitted,

By 

Michael Weaver  
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1. **Appendix A – Law Enforcement Agencies in Lancaster County**

<b>Adamstown Borough PD</b>	<b>Conestoga Township PD</b>
<b>Akron Borough PD</b>	<b>Conoy Township PD</b>
<b>Christiana Borough PD</b>	<b>Earl Township PD</b>
<b>Columbia Borough PD</b>	<b>East Cocalico Township PD</b>
<b>Denver Borough PD</b>	<b>East Donegal Township PD</b>
<b>East Petersburg PD</b>	<b>East Earl Township PD</b>
<b>Elizabethtown Borough PD</b>	<b>East Hempfield Township PD</b>
<b>Ephrata Borough PD</b>	<b>East Lampeter Township PD</b>
<b>Lititz Borough PD</b>	<b>Ephrata Township PD</b>
<b>Manheim Borough PD</b>	<b>Lancaster Township PD</b>
<b>Marietta Borough PD</b>	<b>Manheim Township PD</b>
<b>Millersville Borough PD</b>	<b>Manor Township PD</b>
<b>Mount Joy Borough PD</b>	<b>Mount Joy Township PD</b>
<b>Mountville Borough PD</b>	<b>Penn Township PD</b>
<b>New Holland Borough PD</b>	<b>Pequea Township PD</b>
<b>Quarryville Borough PD</b>	<b>Upper Leacock Township PD</b>
<b>Strasburg Borough PD</b>	<b>Warwick Township PD</b>
<b>Terre Hill Borough PD</b>	<b>West Cocalico Township PD</b>
<b>Brecknock Township PD</b>	<b>West Donegal Township PD</b>
<b>Clay Township PD</b>	<b>West Earl Township PD</b>
<b>Conestoga Township PD</b>	<b>West Hempfield Township PD</b>
<b>West Lampeter Township PD</b>	<b>Lancaster City PD</b>

## 2. APPENDIX B - 21 RADIO AUTHORIZATIONS

Call Sign	Licensee FRN	Licensee Name	Licensee City	Licensee State
KEM639	0003233608	Lancaster County- Wide Communications	Manheim	PA
KG9941	0003233608	Lancaster County- Wide Communications	Manheim	PA
KGA583	0003233608	Lancaster County- Wide Communications	Manheim	PA
KGQ428	0003233608	Lancaster County- Wide Communications	Manheim	PA
KNEJ770	0003233608	Lancaster County- Wide Communications	Manheim	PA
KNFQ506	0003233608	Lancaster County- Wide Communications	Manheim	PA
KNGX660	0003233608	Lancaster County- Wide Communications	Manheim	PA
KP4689	0003233608	Lancaster County- Wide Communications	Manheim	PA
KQY818	0003233608	Lancaster County- Wide Communications	Manheim	PA
KSZ232	0003233608	Lancaster County- Wide Communications	Manheim	PA
KSZ233	0003233608	Lancaster County- Wide Communications	Manheim	PA
WPRS345	0003233608	Lancaster County- Wide Communications	Manheim	PA
WQEA735	0003233608	Lancaster County- Wide Communications	Manheim	PA
WZN243	0003233608	Lancaster County- Wide Communications	Manheim	PA
KNBH711	0003233608	Lancaster County- Wide Communications	Manheim	PA
KR4357	0003233608	Lancaster County- Wide Communications	Manheim	PA
WPZH275	0003233608	Lancaster County- Wide Communications	Manheim	PA
WQAE570	0003233608	Lancaster County- Wide Communications	Manheim	PA
WQHM969	0003233608	Lancaster County- Wide Communications	Manheim	PA
WQJA557	0003233608	Lancaster County- Wide Communications	Manheim	PA
WRA469	0003233608	Lancaster County- Wide Communications	Manheim	PA



### 3. APPENDIX C – PROPOSED RADIO SYSTEM IMPLEMENTATION SCHEDULE

<b>CY 2011</b>	
<b>2<sup>nd</sup> Quarter</b>	<b>Radio System RFP released</b>
<b>3<sup>rd</sup> Quarter</b>	<b>Vendor RFP responses due</b>
<b>4<sup>th</sup> Quarter</b>	<b>Vendor Best And Final Offers (BAFO) requested</b>
<b>CY 2012</b>	
<b>1<sup>st</sup> Quarter</b>	<b>BAFO responses due – BAFO evaluations completed</b>
<b>2<sup>nd</sup> Quarter</b>	<b>Contract awarded</b>
<b>3<sup>rd</sup> Quarter</b>	<b>System staging and factory acceptance</b>
<b>4<sup>th</sup> Quarter</b>	<b>System installation begins</b>
<b>CY 2013</b>	
<b>1<sup>st</sup> Quarter</b>	<b>System installation completed – subscriber install begins</b>
<b>2<sup>nd</sup> Quarter</b>	<b>Subscriber installs continue</b>
<b>3<sup>rd</sup> Quarter</b>	<b>Subscriber installs complete – System cutover begins</b>
<b>4<sup>th</sup> Quarter</b>	<b>System cutover completed – System acceptance</b>